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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,979	03/22/2004	Tyler J. Johnson	200315314-1	1470

7590 05/31/2007  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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HERNANDEZ, WILLIAM

ART UNIT	PAPER NUMBER
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2816

MAIL DATE	DELIVERY MODE
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05/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/805,979

**Applicant(s)**

JOHNSON, TYLER J.

**Examiner**

William Hernandez

**Art Unit**

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040322</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because in the text box 406 of Fig. 4 it is not clear what "THE SIGNAL" is since it lacks antecedent basis.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1, 9 and 16 recite the limitation "said signal" in their respective last lines. There is insufficient antecedent basis for this limitation in the claims.

5. Claim 1 recited the limitation, "said edge responsive to detecting said assertion of said data signal". It is not clear how the detection of a signal's edge can be responsive to the detection of the assertion of that same signal. Claims 9 and 16 are rejected for similar reasons.

6. Claims 2-8, 10-15 and 17-22 are rejected for inheriting the indefiniteness of parent claims 1, 9 and 16.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Marchelli (USP 4,300,100).

Marchelli's Fig. 4 shows a system for detecting an edge of a data signal (C<sub>1x</sub>) carried on an observability bus, the system comprising:

a first performance counter (FF') connected to receive said data signal, said first performance counter being operable to assert a trigger signal (d) in response to detecting an assertion of said data signal (clearly shown in Fig. 4a); and

a second performance counter (G and FF'') connected to receive said data signal and said trigger signal, wherein said second performance counter detects said edge responsive to detecting said assertion of said data signal (when signals  $C_{1x}$  and b are asserted so is the output f) and a logic level in said trigger signal that is a complement to a logic level associated with said assertion of said signal (insofar as understood based on the 112 rejection above) as called for in claim 1.

As per claims 2-6 and 8, the recited limitations are clearly shown in Marchelli's Fig. 4a.

As per claim 7, a recitation of the intended use of the claimed invention is not given any patentable weight since Marchelli's structure is capable of performing the intended use.

As per claims 9-22, these claims are rejected for reasons similar to those given in the rejection of claims 1-7.

9. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Negi.

Negi's Fig. 5 shows a system for detecting an edge of a data signal (4) carried on an observability bus, the system comprising:

a first performance counter (1-1) connected to receive said data signal, said first performance counter being operable to assert a trigger signal (CO) in response to detecting an assertion of said data signal (clearly shown in Fig. 6); and

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a second performance counter (1-2) connected to receive said data signal and said trigger signal, wherein said second performance counter detects said edge responsive to detecting said assertion of said data signal (when signals 4 and CO of 1-1 are asserted so is the output CO of 1-2) and a logic level in said trigger signal that is a complement to a logic level associated with said assertion of said signal (insofar as understood based on the 112 rejection above) as called for in claim 1.

As per claims 2-6 and 8, the recited limitations are clearly shown in Negi's Fig. 6.

As per claim 7, a recitation of the intended use of the claimed invention is not given any patentable weight since Negi's structure is capable of performing the intended use.

As per claims 9-22, these claims are rejected for reasons similar to those given in the rejection of claims 1-7.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Hernandez whose telephone number is (571) 272-8979. The examiner can normally be reached on Mon.-Fri. 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WH

A handwritten signature in black ink, appearing to read 'Tuan T. Lam', with a long horizontal stroke extending to the right.

TUAN T. LAM  
PRIMARY EXAMINER